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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/544,114	04/20/2006	Martin Laichinger	10191/4081	8639
26646 7590 01/26/2007 KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004			EXAMINER HUFTY, JOHN PAGE	
			ART UNIT	PAPER NUMBER
			3747	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/26/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/544,114	Applicant(s) LAICHTINGER ET AL.	
	Examiner John P. Hufty	Art Unit 3747	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
 4a) Of the above claim(s) 1-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 18-35 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 1 Aug. 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>8/1/05, 1/3/06, 10/27/06</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 18 - 29, 32 and 33 are rejected under 35

U.S.C. 102(b) as being anticipated by Beuten et al. Applicant's claims read on Beuten as cited below.

18. (New) A motor vehicle control unit, comprising:

a processor; a first interface for communicating with a functional unit of a motor vehicle; and at least one second interface combined with the processor in a sub-assembly (fig 1 and 2; feat 7, 14, 15; ¶ 02 and 37).

19. (New) The motor vehicle control unit as recited in Claim 18, further comprising: an engine control unit (¶ 02, 28 and 33).

20. (New) The motor vehicle control unit as recited in Claim 18, further comprising: a storage module, wherein: the at least one second interface accesses the storage module without participation of the processor (¶ 28, 35, and 37; fig 1 and 2, features 3, 6, and 7).

21. (New) The motor vehicle control unit as recited in Claim 18, further comprising:

a storage module, wherein: the at least one second interface accesses a code of the processor in the storage module for a writing purpose (¶ 22, 37).

22. (New) The motor vehicle control unit as recited in Claim 18, wherein:
the at least one second interface performs a block transfer of data (¶ 35 and 37) .

23. (New) The motor vehicle control unit as recited in Claim 18, wherein:
the first interface is combined with the processor and the at least one second interface
in the sub-assembly (fig 2, features 1, 7 and 14).

24. (New) The motor vehicle control unit as recited in Claim 18, wherein:
the sub-assembly includes a printed-circuit board (inherent).

25. (New) The motor vehicle control unit as recited in Claim 18, wherein:
the sub-assembly includes a semiconductor chip (inherent).

26. (New) The motor vehicle control unit as recited in Claim 18, further
comprising: a storage module for storing operating parameters of the processor,
wherein: the storage module is able to be at least one of written on and read out via the
at least one second interface (fig 2; feature 6 and 7).

27. (New) The motor vehicle control unit as recited in Claim 18, wherein:
the at least one second interface includes a serial interface (¶ 33, 35).

28. (New) The motor vehicle control unit as recited in Claim 18, wherein:
the at least one second interface includes one of an ethernet and a
FireWire interface (¶ 33, 35).

29. (New) The motor vehicle control unit as recited in Claim 18, wherein:
the at least one second interface includes a USB interface (¶ 33, 35).

32. (New) The motor vehicle control unit as recited in Claim 18, further
comprising: a storage module, wherein: the at least one second interface is able to at

Art Unit: 3747

least one of read and write to individual storage locations of the storage module in an interrupt mode (§ 28, 35 and 36).

33. (New) The motor vehicle control unit as recited in Claim 18, wherein:

the at least one second interface is connected to no functional unit of a motor vehicle that is to be controlled (fig 2; feature 3, 6, 7, 8, and 14).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 30, 31, 34 and 35 are rejected under 35 U.S.C.

103(a) as being unpatentable over Beuten in view of Larky et al. Beuten discloses a controller of a motor vehicle having multiple interfaces. To the extent that Beuten does not expressly disclose the USB characteristics of applicant's claims, Larky teaches these elements as cited below on applicant's claims for efficient bulk data retrieval over a USB port (column 3 line 7).

30. (New) The motor vehicle control unit as recited in Claim 18, wherein:

the at least one second interface transmits data received from the processor via the first interface in an isochronous mode (abstract).

31. (New) The motor vehicle control unit as recited in Claim 18, wherein:

the at least one second interface transmits control parameters of the processor in bulk mode (abstract, fig 4).

34. (New) A method for communicating between a motor vehicle control unit and an external host, comprising: causing the external host to stipulate different USB endpoints and transmission modes for different types of data to be exchanged between the external host and the motor vehicle control unit (column 5, line 25 – 62; fig. 4).

35. (New) The method as recited in Claim 34, further comprising: causing the external host to poll the USB endpoints according to a priority sequence (column 5 line 26 - 63).

A person of ordinary skill in the art of motor vehicle control systems has an undergraduate level degree in electrical engineering or the equivalent from on the job experience additionally this person is knowledgeable of the data transmission requirements and available options to carry out data transfers.

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to combine Beuten with Larky for the benefit of efficient data retrieval.

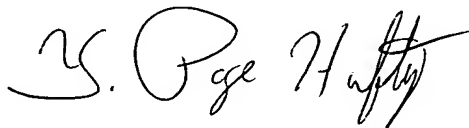
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Page Hufty whose telephone number is 571-272-9966. The examiner can normally be reached on 9:00 am - 5:00pm, Mon- Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen K. Cronin can be reached on 571-272-4536. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JPH



STEPHEN K. CRONIN
SUPERVISORY PATENT EXAMINER